

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff(s),

-against-

MARK RICHICHI,

Defendant(s).

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WILLIAM D. WALL, United States Magistrate Judge:

**REPORT AND
RECOMMENDATION**

CV 03-5322 (JS)(WDW)

Before the court, on referral from Judge Seybert, is the amount of damages, including interest and attorney's fees, owing to the plaintiff in this matter following the grant of summary judgment to the plaintiff. By Affirmation of Douglas M. Fisher dated July 20, 2005, the plaintiff seeks damages, including interest, in the amount of \$104,133.45 and attorney's fees in the amount of \$1700, together with costs and disbursements available upon entry of judgment. The defendant, by letter dated August 9, 2005, states that although Mr. Richichi disputes his liability in this matter, he does not dispute the amounts claimed by the plaintiff, and he will not submit any papers in connection with the determination and assessment of damages.

The undersigned has reviewed the plaintiff's application and finds the amounts sought to be warranted and reasonable. Thus, the undersigned recommends that the plaintiff be awarded the damages and fees indicated *supra*.

OBJECTIONS

A copy of the Report and Recommendation is being sent by the Court to all parties. Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days of service. Failure to file objections within this

period waives the right to appeal the District Court's Order. *See* 28 U.S.C. §636 (b) (1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
August 12, 2005

s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge